

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JASON COOLEY, # 332619,

Petitioner,

vs.

DAVID LAMAR,

Respondent.

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CIV. ACT. NO. 1:24-cv-215-TFM-B

MEMORANDUM OPINION AND ORDER

On October 18, 2024, the Magistrate Judge entered a Report and Recommendation which recommends this petition brought under 28 U.S.C. § 2254 be denied and dismissed with prejudice and a certificate of appealability and the ability to appeal *in forma pauperis* be denied. *See* Doc. 12. The Court received Petitioner's objections on November 12, 2024 which the Court has reviewed. While it is clear that Petitioner objects to the Magistrate Judge's recommendation and he discusses his status as a veteran, he provides little in the way of addressing the substance of the Report and Recommendation – that is, his petition is time barred.

Therefore, after due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of this Court. Accordingly, it is **ORDERED** that Jason Cooley's petition for a writ of habeas corpus brought pursuant to 28 U.S.C. § 2254 is **DENIED** and **DISMISSED with prejudice** as time barred. Finally, the Court determines that Petitioner is not entitled to a Certificate of Appealability and certifies that the appeal would not be taken in good faith and therefore Petitioner not entitled to appeal *in forma pauperis*.

The Court will enter a separate judgment pursuant to Fed. R. Civ. P. 58.

DONE and **ORDERED** this 15th day of May, 2025.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE